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reader's appreciation of this essay is likely to be greater in direct proportion to the amount of his knowledge of the facts of English history. The only positive misstatement noted is the reference to Doctor Cowell, author of the famous *Interpreter* as an "Oxford Scholar." He was Regius professor of the Civil Law at Cambridge.

C. H. McILWAIN.

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**M. ΚΡΙΤΟΥ ΤΟΥ ΠΙΑΤΖΗ ΤΙΠΟΥΚΕΙΤΟΣ.** Sive Librorum LX Basilicorum Summarium. Libros I-XII Graece et Latine ediderunt Contardus Ferrini-Johannes Mercati. Romae, Typis Polyglottis Vaticani MCMXIV (Coll. Studi e Testi. Vol. 25).

It is well known among Romanists how helpful the Byzantine compilations of laws are for the restoration and the interpretation of the sources of Roman law. But most of the Byzantine compilations themselves in order to be of real service are still to be edited and some of those already edited need critical revision. The most important of these compilations are the sixty books, "*Τὰ βασιλικά*," which reached us in a mutilated condition and were edited by the Heimbach brothers in six volumes (Lipsiae, 1833-70). A seventh volume of "*Supplementa*" was added by two Italian scholars, C. Ferrini and G. Mercati, in 1897. To fill the gaps and to supply the missing parts of the Basilics, Heimbach made use of the *Τιπούκειτος*. It is a large summary or a repertory (*τί ποῦ κοῖται*; *Where is it?*) of the Basilics, made in the eleventh century and to be found in only one manuscript (Vatican, 853). But in Heimbach's reading of the passages, he quotes from the *Tipoukeitos* so defectively, and the text of the first twelve books which he gives *in extenso* in the third volume of the Basilics was edited with so little critical accuracy as to make the work useless. In only one passage of a little more than twenty lines, Prof. F. Brandileone ("*Bullettino dell' Istituto di Diritto Romano*," I, pag. 106) remarked more than twenty misreadings and omissions. As early as in the year 1888, the Italian Institute of Roman Law planned an edition of the *Tipoukeitos*, and Professor Brandileone himself was put in charge of the preliminary work. But various difficulties, especially of a financial character, interfered with the plan, which was given up entirely after some time. Later on Prof. C. Ferrini took upon himself the by no means easy task of translating and editing the *Tipoukeitos*, in collaboration, for the philological part of the work, with G. Mercati, the well-known Italian scholar of the Vatican Library.

No man was more fitted for such a task than Professor Ferrini. After the death of Zacharia von Lingenthal, Ferrini was considered the most authoritative European scholar in Greco-Roman law, and Von Lingenthal himself, when old and almost blind had trusted to Ferrini his papers and notes. His edition of the Paraphrasis of the Institute of the so-called "*Theophilus Antecessor*" (Berlin 1883-97), the volume of "*Supplementa*" to the Basilics and other works of the same kind, had already established his absolute competency for editing, translating, and commenting upon the Byzantine law texts. But his work on the *Tipoukeitos* did not progress farther than the first twelve books, because of his unexpected death by heart failure in October, 1902. He was only forty-two years old, and at his death his bibliography numbered almost two hundred publications on Roman and Byzantine law. In 1909 one of his posthumous works was published in the "*Fontes Juris Romani Ante-Justiniani in usum scholarum — Leges, Auctores, Leges saeculares*," edited by S. Riccobono, J. Baviera, and C. Ferrini (Florence, Barbera, two volumes, 1909). Ferrini's contribution to this publication was the third part, where he gave the Latin translation of the "*νόμοι saeculares*" from the Syriac version of the London manuscript. Previously he had already published the Latin

translation of another text of the same νόμοι, contained in a manuscript of Paris (Savigny-Stiftung. XXIII, pag. 101-43).

The book published now in the collection "Testi e Studi" of the Vatican Library, contains the text of the first twelve books of the Tipoukeitos critically edited by Mercati, and the Latin translation of Ferrini. An elaborate preface by Mercati gives an accurate account of the Vatican manuscript and of the text; then it discusses at length the question of the authorship, concluding that the work is due to Patze, who wrote it about the end of the eleventh century. The nature of the evidence on which Mercati bases his conclusion is such that this question may be considered as definitely settled, and the hypotheses formulated in the past by Allatius Heimbach and Zacharia must be discarded. The text is given in the exact form in which it is contained in the manuscript, but attention is called to mistakes due to the *scriba*, and the probable original words and phrases either misspelled or omitted in the text, are proposed by the editor in scholarly notes. Ferrini's Latin translation is, as usual, faithful and clear, and couched in the exact terminology of the Roman law.

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CRIMINOLOGY. By Maurice Parmelee, Ph.D. New York: The Macmillan Co. 1918. pp, xiii, 522.

Old-fashioned lawyers regard Criminology as a pseudo-science, quite unworthy serious attention; and even progressive lawyers have doubted the title of its literature to be included in a law library of the highest class. This book will give aid and comfort to the holders of such opinions.

The reviewer believes firmly that there is a useful and sufficiently exact science of Criminology; that among its materials are comparative criminal law, the history of crime, criminal psychology as illustrated in reported trials, and penology as a study of the social effect of punishments. Such a Criminology, a study of legal and social phenomena as a means to a social end, should be a fruitful subject of investigation for a lawyer. Doubtless Dr. Parmelee would claim that this book represents such a study and with such an object. If so, he has chosen the wrong material, or his social aim is unsound, or his lack of legal training prevents him from writing a useful book for a lawyer.

Dr. Parmelee is an earnest and conscientious writer; he has brought together many facts and opinions about crime and punishment which ought to be in the minds of counsel, judges, and legislators. The book is a useful compendium for the careful reader in a subject where better books are hard to find. But it is not the result either of original investigation or of special knowledge in its field; and its errors in the field of law lead a lawyer to distrust the book in other less familiar branches of knowledge.

The author's treatment of every subject is didactic; and he mistakes assertion for proof. Hardly an actual case is cited. Logic is not one of the numerous sciences he mentions as useful to a criminologist. If he were familiar with the practice of the science he could hardly assert woman's physical inferiority to man in one paragraph, and in the next deny the possibility of her moral superiority on the ground that she inherits from both male and female parents (page 240). His superficial knowledge of law is represented by his conjecture (page 256) that the Roman law is frequently called the Civil law because the Romans developed the civil side of their law more fully than the criminal side. We are surprised to learn (page 311) that the election of judges "in the olden days when the power of kings and of the aristocratic class was still great . . . was a valuable guarantee of popular rights." His idea of a special law-school course in criminology "for those who wish to prepare for this branch of the